



DEPARTMENT OF THE NAVY

OFFICE OF THE CHIEF OF NAVAL OPERATIONS

2000 NAVY PENTAGON

WASHINGTON, DC 20350-2000

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Ser DNS-36JP/13U105391

25 Mar 13

Mr. David A. Dishneau
The Associated Press
c/o The Herald Mail
100 Summit Avenue
Hagerstown, MD 21741

Dear Mr. Dishneau:

SUBJECT: YOUR FREEDOM OF INFORMATION ACT CASE DON2013F030983

Thank you for your Freedom of Information Act (FOIA) request dated March 14, 2013. Your request was received in our office on March 15, 2013.

We have determined that there are no records responsive to your request at this command level. Due to the recent date of the incident in question, the investigation has not yet been completed. The investigative authority is generally allowed 30 days to complete an investigation, with the possibility of extension. Until the investigation is completed, there will be no responsive records. Once the investigation is completed, responsive records will be maintained by Navy Expeditionary Combat Command, ATTN FOIA Coordinator, 1575 Gator Boulevard, Naval Amphibious Base Little Creek, Norfolk, VA 23521. NECC has been informed of your request and anticipates that a copy of the investigation will be provided to you once the investigation is completed.

If you are not satisfied with this action, under 32 CFR §701.12(a), you may appeal the adequacy of the search by writing to:

Office of the Judge Advocate General
1322 Patterson Ave, SE, Ste 3000
Washington Navy Yard, DC 20374-5066

Your appeal must be postmarked within sixty calendar days from the date of this letter. A copy of your initial request and this letter must accompany the appeal. The appeal should be marked "FREEDOM OF INFORMATION APPEAL" both on the envelope and the face of the letter. In order to expedite the appellate

process and ensure full consideration of your appeal, your appeal should contain a brief statement of the reasons you believe this initial decision to be in error.

In this instance, the fees associated with the processing of this request were below the minimum billable threshold and have not been assessed. Please be advised, however, that fees, fee categories, and fee waivers are determined on a case-by-case basis, and a previous determination has no influence on future determinations.

Questions regarding the action this office has taken during the initial processing of your request may be directed to our FOIA service center at (202) 685-0412.

Sincerely,


for ROBIN PATTERSON
Head, DON PA/FOIA Office